UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/2002/SR.5
19 September 2002

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 August 2002, at 10 p.m.

Chairperson: Mr. PINHEIRO

later: Ms. ZERROUGUI
(Vice-Chairperson)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.02-14498 (E) 170902 190902

The meeting was called to order at 10.10 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued) (E/CN.4/Sub.2/2002/NGO/3, 7 and 19)

1. The CHAIRPERSON said, with reference to the regrettable incident that had occurred at the 3rd meeting and led to an intervention by the representative of the Indian Movement "Tupaj Amaru", that, having listened to various parties and witnesses, he would like to declare the matter closed by reiterating that no acts of theft, racist abuse or violence had been committed against the representative of the non-governmental organization (NGO) in question. He reminded participants of the rules they were required to respect in the conduct of the work of the Sub-Commission, as well as the need to express restraint in the language they used.

2. Mr. ALFONSO MARTÍNEZ said that, in future, everything possible should be done to avoid such incidents, which threatened to damage relations between the Sub-Commission and NGOs, and that the role of United Nations security personnel was especially important in that regard. Concerning agenda item 2, he said that the Sub-Commission should not remain silent on the issue of the senseless spiral of violence in the Middle East, the basic cause of which was the denial by Israel, supported by the United States of America, of the recognized right to self-determination of the Palestinian people. The violence would continue unabated for as long as the Palestinians were denied that right and until Israel was compelled to respect international humanitarian law.

3. If, as Mr. Decaux had said, terrorism was never justified, the fight against terrorism could not be used as a pretext for vitiating the guarantees set forth, inter alia, in the International Covenant on Civil and Political Rights, or for violating the norms of humanitarian law that had taken so many years to develop. The strictest ethical standards must be adhered to in combating terrorism. For instance, it was unacceptable, as the United States had done, to undertake to destroy international terrorism and, at the same time, to release persons arrested for having planned terrorist activities against Cuba.

4. Mr. PARK said that, despite the progression of freedom and democracy, force often prevailed over law and morality, expediency over principle, and narrow national interests over universal values. Over the past year many innocent people throughout the world had lost their lives. In Israel and Palestine alone 2,000 civilians had been killed or wounded since the resumption of hostilities and, once again, it had to be asked whether it was right to combat terrorism by military means in disregard of humanitarian law and human rights standards. Above all it was important to stress the inherent value of human life and respect for human rights and international humanitarian law, which defined the limits of permissible military and political conduct. The 1949 Geneva Conventions, in particular, clearly required all parties involved in armed conflict always to distinguish between civilians and direct participants in hostilities.

5. He drew the attention of the Sub-Commission to the question of North Koreans, between 100,000 and 300,000 of whom had risked their lives in fleeing to China and other neighbouring countries, devoid of protection and destitute except for the humanitarian assistance provided by a number of NGOs, operating under extremely difficult conditions. Though they were not recognized as refugees, they undoubtedly were. Furthermore, they were often victims of rape, human trafficking and ill-treatment, and were subjected to forced labour. Many were arrested, repatriated, and detained, only to flee again once they were released, and some sought political asylum at foreign embassies. The problem needed to be dealt with urgently, for humanitarian reasons, and because it posed a threat to stability on the Korean peninsula and in East Asia in general. Recalling that the Sub-Commission, at its fifty-third session, had adopted a resolution on international protection for refugees, in which it requested the States concerned to cooperate with the United Nations High Commissioner for Refugees with regard to the status determination process, and reaffirmed the importance of the principle of non-refoulement, he said that the issue of North Korean refugees would continue to be a test of the conscience of humanity, and to reflect the commitment of the international community to individual security.

6. Welcoming the historic establishment of the International Criminal Court, he deplored the fact that the jurisdiction of the Court, as a major instrument in the administration of international justice, had been challenged by the United States. Even though the matter had been settled by a compromise, it cast a shadow over the future of the Court. He concluded on an optimistic note by welcoming the adoption of the Optional Protocol to the Convention against Torture.

7. Mr. YOKOTA said that the issue of child trafficking referred to by Mr. Weissbrodt was very serious, not only because of the nature of the violations committed and the vulnerability of the victims, but also because of the number of victims, which was in the order of several million throughout the world. Having been moved by the testimony given by a young Nepalese girl to the Working Group on Contemporary Forms of Slavery two years earlier, he had published a book for children in Japan, based on that testimony, which had gained a wide audience.

8. Welcoming the eloquent statement by Mr. Weissbrodt, he explained that the victims of human trafficking often belonged to minorities, indigenous communities or other marginalized groups, such as refugees. Young girls from minorities, and particularly those from very poor families, were therefore especially vulnerable. Poverty, which was one of the fundamental causes of the phenomenon, should be dealt with more from a human rights perspective.

9. The CHAIRPERSON, welcoming Mr. Yokota's initiative, said that the Sub-Commission could propose that the book he had mentioned should be published in other languages.

10. Ms. ZERROUGUI said that the hopes raised a year earlier, in particular by the World Conference against Racism, had evaporated. There had been expectations that the divisions between States might be overcome, that solidarity between peoples might become a reality, that a decisive step had been taken towards ensuring the pre-eminence of human rights, that an end to impunity and recognition of the equality of all human rights were in sight, and that democracy

and respect for human rights had become the established criteria for good governance. The tragic events of 11 September, globalization, fresh outbreaks of racism and xenophobia, and the tragedy of the Middle East, had shattered previous optimism. New uncertainty had been cast on past achievements.

11. It was unclear how human rights defenders in the developing world would be able to convince leaders of the universal character of human rights given that treaties were being denounced, principles that were once considered inalienable were being called into question by the very States that saw themselves as proponents of human rights, refugees and asylum-seekers were forced, in a country like Australia, to endure a systematic, mandatory period of detention, applicable even to children and disabled persons, without the right of appeal, and States that traditionally upheld human rights standards tried to oppose the universal jurisdiction of the International Criminal Court, the adoption of the Optional Protocol to the Convention against Torture, and the holding of a Social Forum.

12. The most worrying development, in that context, was the pressure exerted on United Nations human rights mechanisms through the imposition of drastic budgetary restrictions, and the disastrous consequences that entailed. Clearly, powerful States saw those mechanisms as a threat to their interests, and had decided to act accordingly. Only a year earlier the remarkable progress made in developing the legal framework for human rights, and the degree to which that framework appeared to have been accepted by the international community, had persuaded the Sub-Commission to shift the focus of its work to effective implementation. However, the situation had since changed to such an extent that the overriding concern must be to prevent recognized human rights standards from being undermined any further, and to ensure the survival of mechanisms established by the United Nations for the promotion and protection of human rights.

13. Mr. EIDE said that Mr. Weissbrodt had been right to bring up the issue of trafficking in women for the purposes of sexual exploitation, as it constituted a gross violation of human rights. Even though Governments were not directly responsible for committing such violations, they had it in their power to prevent them through effective international cooperation and the adoption of appropriate measures. Although steps had been taken in the right direction, a redoubling of efforts was required.

14. With everyone talking about 11 September, it was easy to overlook the fact that 11 September 1973 had also had a considerable impact on the human rights movement. The military coup in Chile on that date had established the foundations of a State terrorism that later spread to neighbouring countries. While events there had not immediately disturbed the United States Administration of President Nixon, there had been a tremendous mobilization of popular support for human rights and Congress had reacted by establishing the annual State Department report on human rights in the world with a view to holding the United States Administration accountable for human rights violations perpetrated by armed forces supported by the United States. Mobilization had continued during the Administration of President Carter, who had made human rights a key pillar of his foreign policy, and, thus, human rights had begun to be seen as a fully legitimate concern in international affairs. That policy development had also had a strong impact on the United Nations system, and the Commission on Human Rights had become much more active. Nevertheless, President Carter had failed to convince Congress

to ratify the human rights covenants and President Reagan, succeeding him, had given priority to the fight against terrorism over human rights. At that time, Nelson Mandela had been seen by the United States Administration as a terrorist. While the new policy of the United States had hampered the progress of work relating to human rights, particularly at the United Nations, it had not stopped what had already been set in motion. The Commission had continued to build up its mechanisms, and human rights had gradually begun to make an impact in numerous countries, so that in the 1990s a wave of democratic changes had occurred in many parts of the world, accompanied by the establishment of the rule of law. Then the terrible events of 11 September 2001 had led States throughout the world to intensify measures to combat terrorism. Regrettably, some of the responses currently being seen were less constructive than those that had followed 11 September 1973.

15. Other Sub-Commission experts had referred to measures taken by the United States to prevent the application of international human rights law. He expressed serious concern regarding those measures. The international alliance against terrorism forged with the United States, which could have been a welcome development if it had been in accordance with the rule of law, had placed respect for human rights in serious jeopardy. The Sub-Commission should warn against misuse of the threat of terrorism to undermine the edifice of human rights. Amnesty International had documented the excesses, and the High Commissioner for Human Rights had also spoken out clearly on the subject.

16. Violence only led to more violence, and counter-terrorism measures that violated human rights were likely to fuel further violence, as the Israeli-Palestinian conflict clearly showed. Despite the slight hopes raised in that tragic conflict by the Oslo Accords, a new spiral of violence appeared to have been orchestrated by Mr. Sharon and other Israeli leaders opposed to the Accords. The policy of confrontation favoured by Israel, through which it deliberately provoked Palestinian extremists, was designed to facilitate its territorial expansion. Mr. Sharon had been very successful in provoking counter-violence and, on the pretext of combating terrorism, had acted with utter disregard for international humanitarian and human rights law.

17. Such dynamics had also been witnessed in Chechnya, Kashmir and, for a long time, Sri Lanka. Several factors underlay those tragic circumstances, such as the difficulty in reaching a peaceful accommodation of differences. Policies were often pursued with the intention of provoking reactions of hatred in the opposing camp, and exacerbating the strength of religious, cultural or political feeling in one's own camp. Sometimes, however, conflict entrepreneurs were replaced by bridgebuilders, as seemed to be the case in Sri Lanka.

18. Ms. HAMPSON welcomed the release of Aung San Suk Kyi in Myanmar, as well as the holding of elections in Bahrain, where women had not only been able to vote, but also to stand for election. That example should be followed by other countries in the region. She also welcomed the peace processes tentatively under way in Sri Lanka and the Democratic Republic of the Congo. It was to be hoped that the peace process in the Sudan would be restarted as soon as possible. The New Partnership for African Development (NEPAD) was of considerable significance. Lastly, she welcomed the sight of young girls being allowed to return to school in Afghanistan.

19. She expressed concern, however, with regard to a number of issues. First of all, she was determined that the whole human rights agenda should not be hijacked by the question of terrorist attacks and the response to the threat of such attacks, while so many situations in the world required urgent attention. She drew attention, for instance, to the situation in Indonesia, including the province of Aceh and the Moluccas, and to the forgotten conflicts in Liberia and Somalia. A tragic zone of conflict extended from Afghanistan, through Kashmir and into Nepal and the border areas of China. Consideration should also be given to the deteriorating situation in Colombia, the severe economic crises in several countries of Latin America, n ..iy Argentina and Uruguay, and the situation in southern Africa, where 14 million people were facing starvation. The threat of starvation, whatever the cause, was a violation of human rights, particularly if it was largely the result of deliberate government action, as in the case of Zimbabwe.

20. Her second area of concern was the threat posed by international terrorism and the response of States to such threats, particularly since 11 September. She unequivocally condemned all attacks directed against civilians, and highlighted three important areas in that regard. Firstly, States had a legal obligation under human rights law to protect the right to life of those under their jurisdiction. By detaining those suspected of plotting attacks against foreign targets, Morocco had set a good example in that regard. States must also address the causes of terrorist attacks. It should be noted that many of the perpetrators of the attacks of 11 September were from Egypt or Saudi Arabia, two countries known for their repression of domestic dissidents.

21. The legislative and executive responses of States were often disproportionate and targeted against a particular group of foreigners, which raised the problem of discrimination on the grounds of national and racial origin or religion, as well as that of arbitrary detention. While reference had already been made to the detainees in Guantánamo Bay, she drew attention to the much larger group of people detained in the United States itself. Records showed that over 1,000 people had been detained, but their whereabouts and identities were unknown. That situation shared some of the characteristics of "disappearances". While the Working Group on Arbitrary Detention was currently examining the issue, it would be useful if the Working Group on Enforced or Involuntary Disappearances could do likewise. It was regrettable to see so many States using the tragedy as an excuse for repressing the legitimate activities of domestic dissidents or labelling armed conflicts as terrorist attacks, in an attempt to avoid international scrutiny of their own actions.

22. The response of the international community had been woefully inadequate, notwithstanding appeals by Mr. Kofi Annan and Ms. Mary Robinson. The Security Council Committee concerning counter-terrorism, which had the power to appoint advisers, had rejected the suggestion of the High Commissioner that it should appoint a human rights adviser. The Commission on Human Rights had failed to create a supervisory mechanism. Recalling the request by Mr. Sattar for the work of the Sub-Commission under agenda item 2 to be made more effective, she said that she intended to submit a draft resolution proposing the creation of an intra-sessional working group, composed of all the members of the Sub-Commission. Its mandate would be to examine the compatibility of particular legislative and executive measures

adopted since 11 September 2001 with the human rights obligations of the States in question. A coordinator, appointed by the Sub-Commission, would be given the task of gathering information with a view to proposing a provisional agenda for the first meetings of the group. The draft resolution would request the assistance of Governments, NGOs and United Nations agencies in the provision of relevant information.

23. It needed to be underlined that when a Government preached human rights to others, but refused to demonstrate its own commitment to accountability and even sought to delay the entry into force of treaty texts, that Government undermined not only human rights but, more generally, the rule of law. The United States had denounced one of the treaties regulating the proliferation of nuclear weapons, blocked work on a protocol to provide for the implementation and monitoring of the Biological Weapons Convention, blackmailed the Security Council into suspending the jurisdiction of the International Criminal Court in relation to United States military personnel for 12 months, sought to frustrate the holding of the Social Forum and attempted to prevent the adoption of the Optional Protocol to the Convention against Torture. A mechanism had been set up by the United States executive in order to improve the presentation of its policies abroad. Yet the problem was not the presentation of policies but the policies themselves.

24. As Ms. Robinson had suggested recently to the Commission on Human Rights, there should be criteria for membership of the Commission, so that only those States with a proven commitment to human rights would be eligible for election. The obvious criterion would be for a State to have ratified all six United Nations human rights treaties or else have issued a standing invitation to the thematic human rights mechanisms. Iran was currently considering issuing such a standing invitation. If it did so, Iran, a country that President Bush had identified as belonging to the "axis of evil", would be eligible for election to the Commission on Human Rights, but the United States would not. That would be a great pity, not only for the United States, but for the rest of the world.

25. Mr. CHOEPHEL (Society for Threatened Peoples) said that the reality of the human rights situation in Tibet was very different from the situation described by the Chinese Ambassador at the fifty-eighth session of the Commission on Human Rights.

26. In 2001, the Tibetan Centre for Human Rights and Democracy, based in India, had identified 254 political prisoners in Tibet, 10 of whom had died as a result of torture. The eleventh Panchen Lama of Tibet, aged 13 years, was entering his seventh year of detention at an undisclosed location. In April 2002 a very popular Tibetan religious teacher who, among other things, had supported local people in the reconstruction of several monasteries, had been arrested. The abbot of a large monastic complex, known as the Serthar Institute, in eastern Tibet, had been allowed to return to his monastery after having been expelled, but the Chinese authorities made sure that he did not engage in any public teaching of Buddhism.

27. Even though the Committee on the Elimination of Racial Discrimination had expressed concern with regard to the religious freedom of people belonging to minorities, particularly in Xinxiang and Tibet, China sought to encourage the spread of atheism and so-called "communist

spiritual civilization" in those regions. Taking into account the various forms of discrimination suffered by Tibetans in different fields, highlighted in a number of reports to the Commission on Human Rights, it was clear that the survival of the distinct religious, cultural and national identity of Tibetans was under threat.

28. The struggle for freedom of the Tibetan people was unique in that it had consistently adhered to the principle of non-violence. Consequently, his organization requested the Sub-Commission to write a letter to the Chinese authorities, urging them to open dialogue on the issue of Tibet. The Dalai Lama had never given up on dialogue, and had stated his willingness to enter into talks at any time.

29. Ms. MERCIER (World Organization Against Torture) said that the year that had elapsed since the previous session of the Sub-Commission had been marked by a deterioration in the human rights situation in many countries. In that regard her organization was concerned by the fact that voices of protest concerning human rights abuses and situations that led to such abuses had been progressively weakened since the attacks of 11 September and the subsequent war on terrorism.

30. In Kyrgyzstan, political repression continued to take place on the pretext of measures to combat Islamic extremism. Persons considered to be political opponents had been arrested, tortured and sentenced to long periods of imprisonment on the basis of unfair trials. In Tunisia, the authorities continued to use all means at their disposal to repress any form of dissent. There were currently hundreds of political prisoners detained in deplorable conditions. There was no guarantee of the right to freedom of expression, and persons considered to be opponents of the regime were often placed under surveillance, thus suffering numerous violations of their right to privacy. The peace process in Sri Lanka had not brought an end to the use of torture, which appeared to be widespread in police stations, and even to constitute the most common method of interrogation during criminal investigations. There were indications that torture was carried out with the approval of senior police officers, in a climate of almost total impunity, despite the fact that it was a serious criminal offence.

31. The new laws adopted in the United States in the aftermath of the attacks of 11 September had imposed serious restrictions on the rights of non-United States citizens. They provided for unlimited periods of administrative detention and, in some instances, for the trial of civilians by military courts. Furthermore, the United States authorities had failed to meet their international and domestic commitments by authorizing the detention of persons for extended periods, apparently without charge and sometimes without legal counsel, while refusing to release information concerning those detentions.

32. Mr. KASHMIRI (European Union of Public Relations) denounced the persecutions and human rights abuses carried out against the people of Pakistan by their national authorities, both civilian and military. According to the report by the Human Rights Commission of Pakistan for 2001, the military retained control over State institutions, including the judiciary. Political parties remained subject to severe restrictions and the attempts at peaceful demonstration carried out by such groups as the Alliance for the Restoration of Democracy had met with forceful

repression. Minorities, who were the victims of systematic discrimination, were denied their right to enjoy freedom of religion, and frequently suffered violent attacks, in the face of which the authorities remained passive. Sectarian killings and honour crimes occurred with increasing frequency.

33. Recent political developments in Pakistan were extremely worrying. Power rested in the hands of a military dictator, who had sought to give legitimacy to his authority by a referendum, widely acknowledged by international observers to have been rigged. The forthcoming parliamentary elections in October 2002 were unlikely to alter the situation. The constitutional amendment proposals recently announced by the military junta showed that the latter had no intention of relaxing its stranglehold on power. Most of the leaders of the main political parties in the country were in exile, and only a few politicians handpicked by the military regime and representatives of political parties lacking popular support and legitimacy would be entitled to contest the elections. The authoritarian National Security Council would in any case override the decisions of any elected government.

34. He expressed concern over the situation in Kashmir, particularly the part occupied by Pakistan, as well as in the regions of Gilgit and Baltistan. Pakistan had not given up on using terrorism as a means to attain its strategic objectives. Despite repeated promises by President Musharraf to close down terrorist training camps operating in those areas, the camps remained in existence. Since the local population had protested against the presence of Pakistani and foreign terrorist elements, Pakistan's army and secret intelligence services had increased repression in the area. On both sides of the line of control, however, Kashmiris sought nothing more than an end to violence. That would be possible only if the Pakistani authorities clamped down on all terrorist groups operating in Kashmir and the northern areas and ensured that the budget allocation for those regions was channelled towards their development, rather than being diverted for maintaining the expensive infrastructure of terrorism, including recruitment centres and training camps.

35. The elections scheduled to be held in October 2002 in the part of Kashmir administered by India could represent an initial step towards settlement of the dispute over Kashmir between India and Pakistan, and had generated optimism in the international community. However, the situation in the part of Kashmir occupied by Pakistan, where sham elections had been held only a year earlier, must not be overlooked. A majority of candidates had been disqualified from contesting the elections because of their refusal to undertake not to question the legality of the so-called accession of the region to Pakistan. Thousands of voters had been prevented from casting their ballots, and the verdict of the electorate had in any case been ignored by the military regime, which had imposed its own candidates on the people. The international community should put pressure on Pakistan to hold free and fair elections in Kashmir and the northern areas, under the supervision of international observers.

36. Mr. GONZALES (International Indian Treaty Council) said that in spite of the considerable progress made in recent years in furthering the adoption of standards, in many countries the most basic rights of indigenous peoples continued to be violated with impunity. Legal remedies available to indigenous peoples remained inadequate. Moreover, some

Governments demonstrated little political will to acknowledge or apply the principles guaranteed by the various agencies of the United Nations system. Certain powerful States were reluctant to provide support for the adoption of the draft declaration on the rights of indigenous peoples.

37. The militarization of indigenous lands, which often occurred with the support of Governments in collusion with multinational corporations, was the direct cause of many human rights violations. There was an urgent need to address the role of privately sponsored or paramilitary repression in the treatment of indigenous peoples, for instance, within the mandate of the Special Rapporteur on terrorism and human rights.

38. In some countries, such as Guatemala and Mexico, peace agreements designed to protect the rights of indigenous peoples had been negotiated but never implemented. Many indigenous communities continued to suffer from expropriation of lands and to be denied their means of subsistence. In Arizona, in the United States, over 10,000 Dineh (Navajos) had been forcibly relocated from their ancestral lands, to which they did not possess any individual title. Also in the United States, in Nevada, federal agents continued to harass members of the Shoshone community and to seize their livestock, based on a Supreme Court decision that had extinguished the Shoshone land title to their ancestral territory.

39. The rights of indigenous peoples throughout the world were threatened by all those with an economic interest in their land. It was imperative for Governments to cooperate with indigenous peoples and take steps to help them retrieve their land, while guaranteeing legal recognition of their rights to ownership of their traditional territories and natural resources. To that end a legal framework based on universally recognized standards should be established. He called for indigenous peoples to be given their rightful place in the international community, with the opportunity to send representatives to participate in the United Nations General Assembly.

40. Mr. DIAWARA (International League for the Rights and Liberation of Peoples) said that, for several months, his organization had been receiving information that the harassment of human rights activists in Western Sahara had become almost unbearable. Nevertheless, the release on 8 July 2002 of 101 Moroccan prisoners as a result of mediation of Germany was a clear indication of a commitment to peace by the Saharan Arab Republic. Consequently, his organization called on the international community to ensure that the two parties respected the agreements on a settlement.

41. Mr. MENDOZA (International League for the Rights and Liberation of Peoples) drew attention to the marked deterioration in the human rights situation in Colombia. According to a report by the International Office for Human Rights - Colombia Action, there had been 20 murders, 2 disappearances and 1,000 more displaced persons every day during 2001. Most of the murders had been carried out by paramilitary groups, linked to or supported by the security forces, in a climate of total impunity.

42. The new President-elect, Mr. Álvaro Uribe, had made a number of proposals during his campaign which were likely to make the situation even worse, and which constituted a serious

threat to the enjoyment of human rights. In particular, he had made a controversial proposal to set up a civil corps with responsibility for providing information to the authorities and supporting efforts to combat subversion.

43. The repressive measures announced by the future president were contrary to the recommendations of the High Commissioner for Human Rights, who advocated further peace negotiations, and would not help the country to emerge from its current predicament. His organization called for an immediate renewal of efforts to resolve the conflict through dialogue.

44. The CHAIRPERSON drew the attention of observers to the fact that they should not refer to the human rights situation in countries other than their own. During the discussion of a situation that seemed to reveal a pattern of flagrant and systematic human rights violations in a given country it was inappropriate for an expert from that country to take part in the debate. Nevertheless, it was ultimately for experts to decide whether or not they wished to take part in the public debate.

45. Ms. Zerrougui, Vice-Chairperson, took the Chair.

46. Mr. BARNES (Indigenous World Association) said that the indigenous peoples of Alaska had been totally excluded from the process that should have enabled them to enjoy the right to self-determination and that they had not even been informed of the vote that took place on the annexation of Alaska by the United States. He urged the Sub-Commission to consider the issue of whether an administering Power could invoke the non-intervention principle provided for in Article 2, paragraph 7, of the United Nations Charter to prevent other States from monitoring its conduct of affairs within its domestic jurisdiction in the case of Non-Self-Governing Territories. An answer to that question would enable progress to be made in the discussion of article 3 of the draft declaration on the rights of indigenous peoples.

47. His organization also requested the Sub-Commission to determine whether or not the incorporation of Alaska by the United States had been legitimate, in view of the fact that General Assembly resolution 1469 (XIV), which had provided for the removal of Alaska from the list of Non-Self-Governing Territories, had been adopted without a proper examination of the situation of the indigenous peoples there.

48. Mr. KIRKYANCHAREN (Movement against Racism and for Friendship among Peoples), welcoming the fact that the Israeli-Palestinian conflict was seen as a major concern by the Commission on Human Rights and by the Sub-Commission, said that it was regrettable that the steps and initiatives taken by the Commission at its previous session had achieved nothing. Given the obvious inability of the United Nations to resolve the conflict, which had been demonstrated by the failure to implement several crucial Security Council resolutions, it would be useful for the Sub-Commission to analyse the reasons for that failure, in accordance with its role as "think tank", and to come up with new ideas and realistic proposals. It should begin that task immediately, by setting up a working group, with a view to starting work over the following months.

49. Mr. AAJAKIA (World Federation of Democratic Youth), referring to the situation of non-Muslims in Sindh province and Karachi, Pakistan, said that fanatical religious terrorist groups, supported by the secret service, were employing methods such as arbitrary detention, torture and extrajudicial executions to eliminate political opponents. Moreover, family members of the prisoners also became victims of arbitrary detention, torture and rape. In 2002 several journalists had been abducted and tortured, and two Members of Parliament, one of whom was a human rights defender who had represented an NGO at the fifty-second session of the Commission on Human Rights, had been murdered in Karachi. The Government clearly had no intention of prosecuting the perpetrators and, given the control exercised by the executive branch over the courts, the murderers would remain unpunished.

50. In Punjab, many Shiite intellectuals had been murdered purely because of their religious beliefs. In the same region, the situation of women was extremely worrying. They had an inferior social status, and could be sentenced to all kinds of measures involving sexual ill-treatment by local courts, derived from feudal customs rather than the Pakistani judicial system.

51. The dominant oligarchy of Punjab had gradually colonized Sindh province and, from 1936 onwards, had been allocated the best land. The province had received no compensation when its richest district, Karachi, had been taken from it to become the capital city. Inhabitants of the province had never been allowed to acquire land in Punjab or other provinces, and were thus exploited by the dominant Punjabi oligarchy.

52. In view of the encroachment of the central Government upon almost all the powers of the federal provinces, he urged the Government of Pakistan to put an end to violations of human rights and fundamental freedoms in Pakistan, and particularly the victimization of non-Muslims in the provinces of Sindh and Baluchistan; to bring those responsible for such violations to justice; to devolve powers to the provinces to enable provincial legislative assemblies to empower the people at the local level; to adopt a new constitution to be drawn up by a constituent assembly elected by the people and composed of representatives of all the provinces; and to retain only defence, foreign and fiscal policy as the responsibilities of central Government.

53. Mr. WEISSBRODT, supported by Ms. WARZAZI, said that many NGO statements on the same subject overlapped; therefore he proposed that the Sub-Commission should extend an invitation to those NGOs to agree on a joint statement.

54. Mr. GUISSÉ, supported by Ms. O'CONNOR and Mr. EIDE, said that the aim of Sub-Commission meetings was to allow NGOs to express themselves freely. Furthermore, even when a number of NGOs spoke on the same subject, each shed new light on the issue. In any case, it was for the Bureau and not for members of the Sub-Commission to suggest to NGOs that they should make joint statements.

55. Mr. NAM Choe myong (Observer for the Democratic People's Republic of Korea) said that, on one hand, racial discrimination and xenophobia and, on the other, interference in the

domestic affairs of States, were occurring with increasing regularity. Any attempt to weaken the principle of State sovereignty and to interfere with political systems, particularly those of developing countries, by using human rights as a weapon, should be condemned.

56. Selectivity and double standards should no longer be tolerated, and certain countries should no longer be allowed to act as arbiters of human rights. Rather, respect for diversity of history and culture should prevail, and no one country should impose its value system on another.

57. A tendency to give absolute priority to civil and political rights, to the detriment of economic, social and cultural rights, should be eliminated once and for all. At the World Conference on Human Rights in 1993, States had agreed that all human rights were interdependent.

58. His Government made a constant effort to enhance the enjoyment of human rights by its citizens, and attached considerable importance to dialogue and cooperation in that regard, as it had demonstrated by submitting several reports to human rights treaty monitoring bodies. It was ready to undertake dialogue based on the principles of mutual respect and reconciliation, but refused to accept unilateral pressure, blackmail and antagonism.

The meeting rose at 1 p.m.